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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,665	03/20/2001	Marten Rignell	45051-00014	4565

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/813,665	Applicant(s) RIGNELL ET AL.	
	Examiner Md S. Elahee	Art Unit 2645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 02/07/05. Claims 1-38 are pending. Claims 35-38 have been added.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8, 9, 14-16, 20-26, 28, 29, 31, 32 and 34-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitsuoka et al. (U.S. Patent No. 6,671,508).

Regarding claim 1, Mitsuoka teaches the memory comprising a phonebook capable of storing a plurality of phonebook entries, each entry representing a respective recipient [i.e., subscriber] other than the user of the telecommunication apparatus and an associated telephone number, the phonebook being accessible through the man-machine interface (abstract; fig.1, 2A; col.15, lines 14-16, 26-29, 44-50, col.16, lines 40-59).

Mitsuoka further teaches that the phonebook is capable of storing, for at least one of the appointment book entries, information about a status [i.e., operational status] of a respective recipient [i.e., subscriber] other than the user of the telecommunication apparatus (abstract; fig. 1, 2A; col.8, lines 11-14, 16-26, col.15, lines 44-50, col.16, lines 40-59).

Mitsuoka further teaches that the controller is adapted to update the status information of the at least one phonebook entry in response to receiving a status data, which are received through the radio interface (fig.1; col.4, lines 30-41, 52-67, col.5, lines 1-8, col.6, lines 28-45, col.8, lines 11-35, col.15, lines 44-50, 58-61, col.16, lines 1-9, 40-59, col.17, lines 2-4, col.22, lines 44-52).

Regarding claims 2, 15 and 22, Mitsuoka teaches that the operational status may represent a situation, where the respective subscriber is currently participating in an ongoing telephone call (col.8, lines 23-30).

Regarding claims 3 and 23, Mitsuoka teaches that the operational status information may represent a situation, where the respective subscriber is available [i.e., currently not participating in any ongoing telephone call and is operatively accessible] (col.8, lines 23-30).

Regarding claim 4, Mitsuoka teaches that the controller is adapted, in response to receiving status data to the effect that the situation in claim 3 has occurred, to provide an indication to the user through the output device (col.8, lines 23-30).

Regarding claims 5, 26 and 34, Mitsuoka teaches that the output device is a display, an indication lamp, a loudspeaker or a vibrator (col.8, lines 23-30).

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Regarding claim 6, Mitsuoka teaches that the operational status information may represent a situation, where the respective subscriber is out of Area [i.e., not operatively accessible] (col.8, lines 23-30).

Regarding claims 8 and 28, Mitsuoka teaches that the telecommunication apparatus is a mobile telephone (fig.1).

Regarding claims 9, 16 and 29, Mitsuoka teaches that the radio interface is adapted to receive short text messages, and wherein the status data is comprised in such a short text message (fig.1; col.4, lines 30-41, 52-67, col.5, lines 1-8, col.16, lines 1-9, 40-59).

Regarding claim 14, Mitsuoka teaches providing an option for a user [i.e., individual subscriber] to select at least one person [i.e., other subscriber] of mobile telecommunications services (fig.1, 9; col.20, lines 19-32).

Mitsuoka further teaches keeping record of the selected person of mobile telecommunications services (fig.2A; col.4, lines 30-41, 52-67, col.5, lines 1-8, col.8, lines 11-35, col.16, lines 1-9, 40-59).

Mitsuoka further teaches determining a status [i.e., operational status] of the selected person of mobile telecommunications services (fig.9-11; col.20, lines 44-67, col.21, lines 1-8, 12-67).

Mitsuoka further teaches transmitting the determined status to the user of mobile telecommunications services (col.21, lines 60-67).

Regarding claim 20, Mitsuoka teaches first means for receiving a request to check an operational status of the remote telecommunication apparatus, the request being submitted by the user through the man-machine interface (fig.1, 2A; col.9, lines 30-37, col.16, lines 25-57).

Mitsuoka further teaches second means for reading a first record, which is available in the memory, to identify the remote telecommunication apparatus (fig.9-11, 17; col.20, lines 19-32, col.23, lines 28-54). (Note; selection of a person allows a selection of communication service which inherently identify the remote telecommunication apparatus associated with the person)

Mitsuoka further teaches third means for generating a first text [i.e., digital] message, wherein the first text message contains the first record as well as a second record, which is available in the memory, to identify the telecommunication apparatus (col.4, lines 30-41, 52-67, col.5, lines 1-8, col.6, lines 28-45, col.8, lines 11-35, col.15, lines 44-50, 58-61, col.16, lines 1-9, 40-59, col.21, lines 12-39).

Mitsuoka further teaches fourth means for causing the text message service application to send the first text message to the remote telecommunication apparatus (col.21, lines 12-39).

Mitsuoka further teaches fifth means for receiving a second text message from the remote telecommunication apparatus identified by the first record (col.21, lines 60-67).

Mitsuoka further teaches sixth means for determining the status [i.e., operational status] of the remote telecommunication apparatus from the second text message (col.21, lines 60-67).

Mitsuoka further teaches seventh means for indicating the determined status [i.e., operational status] of the remote telecommunication apparatus to the user through the man-machine interface (col.21, lines 60-67).

Regarding claim 21, Mitsuoka teaches that the second digital message is a reply to the first digital message and contains a data field to indicate that the remote telecommunication apparatus is connected to the telecommunications network (col.8, lines 23-30, col.21, lines 60-67, col.32, lines 42-57).

Regarding claims 24, Mitsuoka teaches that the first record represents a telephone number of the monitoror's address [i.e., telecommunication apparatus] (fig.17).

Regarding claims 25, Mitsuoka teaches that the second record represents a telephone number of the monitoree's address [i.e., remote telecommunication apparatus] (fig.17).

Regarding claim 31 is rejected for the same reasons as discussed above with respect to claim 20. Furthermore, Mitsuoka teaches that in response to receiving the request from the user, generating a first text message (col.20, lines 18-57, col.21, lines 9-35).

Mitsuoka further teaches that in the mobile unit, providing a notification to the user concerning the operational status of the second telecommunication apparatus, as indicated in the second text message (col.21, lines 60-67).

Regarding claim 32, Mitsuoka teaches the further step of checking, in the second telecommunication apparatus, whether the first telecommunication apparatus is an admissible requestor of operational status information regarding the second telecommunication apparatus (col.21, lines 60-67).

Regarding claims 35-38, Mitsuoka teaches that the operational status includes at least one of a subscriber available status and a subscriber busy status (col.8, lines 23-30).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 7 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuoka et al. (U.S. Patent No. 6,671,508) in view of Macko (U.S. Patent No. 6,052,563).

Regarding claims 7 and 27, Mitsuoka fails to teach “the operational status information may represent a situation, where the respective subscriber is currently using call diversion”. Macko teaches that the operational status information may represent a situation, where the respective subscriber is currently using call diversion (col.8, lines 9-18). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mitsuoka to incorporate the operational status information representing a situation, where the respective subscriber is currently using call diversion as taught by Macko. The motivation for the modification is to have doing so in order to provide an option to the user whether he needs to communicate in case of call diversion.

7. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuoka et al. (U.S. Patent No. 6,671,508) in view of Bruno et al. (U.S. Patent No. 6,226,529).

Regarding claims 10 and 17, Mitsuoka does not specifically teach “receive the status data on a data channel in a digital telecommunication system”. Bruno teaches communicating via a data channel (i.e., receive the status data on a data channel) in a digital telecommunication system (col.6, line 66-col.7, line 5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mitsuoka to allow receiving the status data on a data channel in a digital telecommunication system as taught by Bruno. The motivation for the modification is to have doing so in order to provide a communication bridge between all of the devices.



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8. Claims 11, 13, 19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuoka et al. (U.S. Patent No. 6,671,508) in view of Yeh (U.S. Patent No. 6,675,010).

Regarding claims 11, 19 and 30, Mitsuoka does not specifically teach "receive the status data over a GSM, GPRS ("General Packet Radio Service") or UMTS ("Universal Mobile Telephone System") network". Yeh teaches receive the status data over a GSM, GPRS ("General Packet Radio Service") or UMTS ("Universal Mobile Telephone System") network (abstract; col.2, line 18-21, 50-54). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mitsuoka to allow receiving the status data over a GSM, GPRS ("General Packet Radio Service") or UMTS ("Universal Mobile Telephone System") network as taught by Yeh. The motivation for the modification is to have doing so in order to make a selection between inputting the personal vocabulary list or accepting a prepared test vocabulary.

Regarding claim 13, Mitsuoka does not specifically teach "a WAP ("Wireless Application Protocol") client". Yeh teaches a WAP ("Wireless Application Protocol") mobile phone user (i.e., client) (abstract; col.2, line 18-21, 50-54). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mitsuoka to allow a WAP ("Wireless Application Protocol") client as taught by Yeh. The motivation for the modification is to have doing so in order to make a connection with the mainframe.

9. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuoka et al. (U.S. Patent No. 6,671,508) in view of Pelissier et al. (U.S. Patent No. 6,661,773).

Regarding claims 12 and 18, Mitsuoka does not specifically teach "global area network". Pelissier teaches global area network (col.2, line 67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mitsuoka to allow global area network as taught by Pelissier. The motivation for the modification is to have doing so in order to provide a data communication.

10. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuoka et al. (U.S. Patent No. 6,671,508) in view of Macko (U.S. Patent No. 6,052,563).

Regarding claim 33, Mitsuoka does not specifically teach "said second digital message comprises a time stamp representative of a creation time of said second digital message, the method comprising the further step of determining, in said first telecommunication apparatus, whether a difference between a current time and said time stamp is less than a predetermined limit and, if not, sending a new first digital message to the second telecommunication apparatus". Macko teaches that the incoming message (i.e., second digital message) comprises a time stamp representative of a creation time of the incoming message, the method comprising the further step of determining, in the first telecommunication apparatus, whether a difference between a current time and the time stamp is less than a predetermined limit and, if not, sending a new response message (i.e., first digital message) to the second telecommunication apparatus (col.6, line 66-col.7, line 5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mitsuoka to allow the second digital message comprising a time stamp representative of a creation time of the second digital message, the method comprising the further step of determining, in the first telecommunication apparatus, whether a difference between a current time and the time stamp is less than a predetermined limit and, if

not, sending a new first digital message to the second telecommunication apparatus as taught by Macko. The motivation for the modification is to have doing so in order to provide a predetermined criteria for triggering transmission of a predetermined response message.

### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*M.E.*

MD SHAFIUL ALAM ELAHEE

June 12, 2005



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